

VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

CHAPTER 499

An Act to amend and reenact § 16.1-309.1 of the Code of Virginia, relating to exceptions to confidentiality of certain information on juveniles.

[S 67]

Approved April 9, 1994

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-309.1 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-309.1. Exception as to confidentiality.

Notwithstanding any other provision of this article, where consideration of public interest requires, the judge ~~may~~ *shall* make available to the public the name and address of a ~~child~~ *juvenile* and the nature of the offense for which a ~~child~~ *juvenile* has been adjudicated delinquent (i) for an act which would be a Class 1, 2 or 3 felony, forcible rape or robbery if committed by an adult, ~~and~~ *or* (ii) in any case where a ~~child~~ *juvenile* is sentenced as an adult in accordance with §16.1-284 circuit court.

Whenever a ~~child~~ *juvenile*, charged with a delinquent act which would be forcible rape, robbery or a Class 1, 2, or 3 felony if committed by an adult, becomes a fugitive from justice any time prior to *or* after final disposition of the charge, the attorney for the Commonwealth *or, upon notice to the Commonwealth's attorney, the Department of Youth and Family Services or a locally operated court services unit* may petition the court having jurisdiction of the offense to authorize public release of the ~~child's~~ *juvenile's* name, age, physical description and photograph, the charge for which he is sought *or for which he was adjudicated* and any other information which may expedite his apprehension. Upon a showing that the ~~child~~ *juvenile* is a fugitive and for good cause, the court shall order release of this information to the public.

Upon the request of a victim of a delinquent act which would be a felony if committed by an adult, the court may order that such victim be informed of the charge or charges brought, the findings of the court, and the disposition of the case. For purposes of this section, "victim" shall be defined as in § 19.2-299.1.

Upon request, the judge or clerk may disclose if an order of emancipation of a juvenile pursuant to § 16.1-333 has been entered, provided (i) the order is not being appealed, (ii) the order has not been terminated, or (iii) there has not been a judicial determination that the order is void ab initio.